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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,647	01/10/2002	Steven I. Ross	1280.2005-000 (LOT8-2001-	9383
21005	7590	05/18/2005	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			ALBERTALLI, BRIAN LOUIS	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/044,647

**Applicant(s)**

ROSS ET AL.

**Examiner**

Brian L. Albertalli

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/26/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments to the claims have been entered. Independent claims 1, 7, 13, 19, and 20 are currently amended.

### ***Response to Arguments***

2. Applicant's arguments filed March 9, 2005 have been fully considered but they are not persuasive.

Independent claims 1, 7, 13, 19, and 20 have been amended to include the limitation that the queue for retaining responses generated by the computer is "prioritized". The Applicant has argued (see page 13, lines 8-16 of Applicant's response) that queue as disclosed by Monaco et al. is not a "prioritized" queue.

However, Monaco et al. disclose that the prompts are added to the queue one at a time, and then played back sequentially (column 10, lines 32-37). The fact that the prompts are played back in the order that they are added indicates that the queue is "prioritized". That is, the prompt that is added to the queue first has the highest priority and will be played first. Likewise, each subsequent prompt will be played depending on the order in which it was received by the queue. The queue, then, when storing multiple prompts to be played back to the user is prioritized by the order in which the prompts were received.

Therefore, the rejections made in the previous Office Action stand.

***Drawings***

3. The amendments to the drawings overcome the objections made in the previous Office Action. The objections to the drawing are withdrawn.

***Specification***

4. The amendments to the drawings overcome the objections to the specification made in the previous Office Action. The objections to the specification are withdrawn.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claassen (U.S. Patent 6,647,363), in view of Monaco et al. (U.S. Patent 6,314,402), and further in view of Surace et al. (U.S. Patent 6,334,103).

In regard to claims 1 and 19, Claassen discloses a computerized interface for managing a dialog between a computer and a user of the computer, the computer having an audio input device (Fig. 1, input interconnection 20, column 6, lines 18-21) and an audio output device (output interconnection 80, column 7, lines 54-57), the computerized interface comprising:

a dialog manager for generating responses (presentation manager 90 selects a presentation scenario from database 96 and fills in the presentation scenario with information supplied by dialog manager 50, column 7, line 62 through column 8, line 4); and

a turn manager for managing audible rendering of the responses through the audio output device, so that the user receives each response as part of a dialog between the computer and the user, the turn manager conducting the dialog that is subject to control by the user (dialog manager 50 determines what information the user is interested in, column 6, lines 52-54; and determines the intention of the user and passes this information to the presentation manager 90 to select an appropriate response, column 9, lines 36-38 and lines 58-63; presentation manager 90 then supplies the completed response to speech generation system 60, column 8, lines 4-6).

Claassen further discloses that presentation manager 90 determines if the information to be presented to the user exceeds a complexity level (column 10, lines 62-66). If so, the presentation manager prompts the user to determine if the user would like to receive all of the information (column 11, lines 16-20).

Claassen does not disclose that the responses are retained in a prioritized queue or that the dialog manager (presentation manager 90) places the generated responses in a queue.

Monaco et al. discloses an interactive voice response system that includes a prioritized queue for retaining responses (prompts). The prioritized queue allows a prompt to be constructed from multiple pieces (column 10, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Claassen to include a prioritized queue so that if the user chose to receive the complex information, the complex information could be easily constructed from multiple pieces, as taught by Monaco et al. (column 10, lines 35-36).

Neither Claassen nor Monaco et al. explicitly disclose that the dialogs are conducted in a polite manner.

Surace et al. discloses a voice user interface with a personality that follows a set of politeness rules when interacting with the user (Fig. 7 and column 10, lines 9-21).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Claassen and Monaco et al. to employ politeness rules to ensure the dialogs were conducted in a polite manner, since this would make the interaction more pleasant for the user.

In regard to claims 7, 13, and 20, Claassen discloses a method for managing a dialog between a computer and a user of the computer, the computer having an audio input device (input interconnection 20, column 6, lines 18-21) and an audio output device (output interconnection 80, column 7, lines 54-57), the method comprising the computer-implemented steps of:

receiving responses generated by the computer to spoken input from the user and received by the computer through the audio input device (Fig. 2, step 213, column 11, lines 51-53);

managing audible rendering of the responses through the audio output device (step 250, generated phrases are uttered, column 12, lines 18-19), so that the user receives each response as part of a dialog between the computer and the user (after the generated phrases are uttered, the dialog phase at step 210 is reentered, wherein the user can continue the dialog at step 213, column 12, lines 30-31 and column 11, lines 51-53), the dialog conducted in a polite manner that is subject to control by the user (in step 214 it is determined which information the user is interested in, the intentions of the user serving to control which presentations are returned to the user as speech, column 11, lines 54-57, column 12, lines 2-7 and lines 16-19).

Claassen further discloses that presentation manager 90 determines if the information to be presented to the user exceeds a complexity level (column 10, lines 62-66). If so, the presentation manager prompts the user to determine if the user would like to receive all of the information (column 11, lines 16-20).

Claassen does not disclose placing the generated responses in a prioritized queue and managing the rendering of the responses from the queue.

Monaco et al. discloses an interactive voice response system that includes a prioritized queue for retaining responses (prompts). The prioritized queue allows a prompt to be constructed from multiple pieces (column 10, lines 32-37).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Claassen to include a prioritized queue so that if the user chose to receive the complex information, the complex information could be easily constructed from multiple pieces, as taught by Monaco et al. (column 10, lines 35-36).

Neither Claassen nor Monaco et al. explicitly disclose that the dialogs are conducted in a polite manner.

Surace et al. discloses a voice user interface with a personality that follows a set of politeness rules when interacting with the user (Fig. 7 and column 10, lines 9-21).

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combination of Claassen and Monaco et al. to employ politeness rules to ensure the dialogs were conducted in a polite manner, since this would make the interaction more pleasant for the user.

In regard to claims 2, 8, and 14, Claassen discloses the turn manager is subject to behavioral goals that include:

providing speech output including audible renditions of the responses when spoken to by the user (dialog manager 50 scans the output of speech recognizer 40 to determine the intention of the user, column 9, lines 36-42; presentation manager 90 then selects a presentation that is returned to speech generation system 60 for presentation to the user as speech, column 9, lines 58-63 and column 8, lines 4-6);

asking permission of the user before providing speech output based on delayed answers (details) and notifications (if the complexity of a presentation exceeds a threshold, presentation manager 90 asks permission before presenting the details to the user, column 11, lines 16-24); and

allowing the user to (ii) interrupt in the dialog (the system detects the barging-in of a user during a presentation, column 10, lines 24-26).



In regard to claims 3, 9, and 15, Claassen discloses the turn manager provides the audible rendering of the responses in a delivery mode subject to selection by the user (the user selects from various delivery modes such as 'fast', 'detail' and 'overview', column 9, lines 42-49).

In regard to claims 4, 10, and 16, Claassen discloses the delivery mode is one of an immediate delivery mode and a delayed delivery mode ('fast' delivery mode gives an immediate to the point presentation scenario, column 9, lines 46-49; while if the user selects a slower delivery mode, the information is presented in smaller pieces, providing a delayed delivery mode so the user can write down the information, column 10, lines 35-49).

In regard to claims 5, 11, and 17, Claassen discloses the turn manager manages the audible rendering of the responses based on dialog states that specify the current state of the dialog between the computer and the user (the moment that a user barges-in in a dialog is used to determine the intention of the user, the intention is then used to select what information is presented to the user by presentation manager 90, column 10, lines 47-58).

In regard to claims 6, 12, and 18, Claassen discloses the response is an announcement of an event of interest (departure/arrival times) to the user as

determined by the computer (dialog manager 50 determines what information the user is interested in, column 6, lines 52-54; then provides the departure/arrival times to the user, column 8, lines 2-7).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2655

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BLA 5/16/05



DAVID L. OMETZ  
PRIMARY EXAMINER